

June 22, 2009

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

JUNE 22, 2009

MEMBERS PRESENT: PAT TORPEY, ACTING CHAIRMAN
FRANCIS BEDETTI, JR.
JAMES DITTBRENNER

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

NICOLE JULIAN
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE, CHAIRMAN
LEN MCDONALD

REGULAR MEETING

MR. TORPEY: I'd like to call to order the June 22, 2009 meeting of the New Windsor Zoning Board of Appeals. For our meeting what we do is we hold two sessions, first session is a preliminary, you come in, explain, tell us what you want to do, how you want to do it. You've got to give your name and your address and everything to the young lady sitting over there waiting for you. And the second meeting is a public hearing which is held, they do public hearings and so forth and so on. But we're short a couple people tonight so it should go quick and nice.

PRELIMINARY_MEETINGS:

DEBORAH_BRAND_&_MICHAEL_MUSANTE_(09-19)

MR. TORPEY: First one on the agenda is going to be Deborah Brand.

MS. BRAND: Hi, I'm Deborah Brand, I'm representing myself and my husband, Mike Musante. We live at 10 Birchwood Drive in New Windsor. We're proposing, what we'd like to do is build a basically a deck in the back yard, it's not even raised, there's only one part 18 inches off the ground, right now I guess it's within, it's 16 feet deep, we want a 34, we want it to be 34 feet from the property line rather than 50 feet because we have an addition that was pre-existing before we got there. And so that's what's creating the discrepancy inside so it's a little bit closer to our back fence than what the zoning requires. So we would like to build this deck, it's really for making the house more aesthetically pleasing and to give the back yard which is very muddy, doesn't really get a lot of grass growing to beautify that area of the house.

MR. TORPEY: How far are you coming off the ground?

MS. BRAND: I would say for the majority it's not even six inches off the ground and then there's one side where there's a slight incline in the back yard and so there's the highest point is 18 inches off the ground and we're going to have a railing on that side because we have a two year old at home but the rest of the deck will not even have a railing because it's going to be so low that our two year old could literally be one step onto the ground.

MR. KRIEGER: Two things about the railing, first of all, you understand whether it has a railing or not if you ultimately success in getting the variance from the zoning board from here you're going to have to comply

with what the building inspector tells you as far as requirements and the how shall I say you'll find in the process that the state has some surprising requirements.

MS. BRAND: Okay.

MR. KRIEGER: That because the building inspector's office is controlled by state law.

MS. BRAND: Oh, that's affected by height?

MR. KRIEGER: Well, I'm just speaking generally, I'm not going to attempt to do their job for them, I'm just alerting you what you're looking at.

MS. BRAND: Okay.

MR. KRIEGER: Will the deck be adjacent to an exit from the house?

MS. BRAND: Yes, it will be. There will be, it will be right outside of our back door, there's approximately 6 feet right outside of the back door that will be there and then there will be a small pathway that leads to the main portion of the deck because the back of the house is in the shape of an L so we're going to have a small walkway to lead to the main area.

MR. KRIEGER: So a person exiting the house through that doorway if the deck weren't there would be likely to be stepping down and sustain injury, right?

MS. BRAND: Well, presently, yes, presently they would be.

MR. KRIEGER: If you didn't have the deck that would happen, right?

MS. BRAND: Yes.

MR. TORPEY: Removing trees and substantial vegetation?

MS. BRAND: No, vegetation doesn't grow because there's very little sun. All of the things our contractor informed us about.

MR. KRIEGER: So he would know.

MR. TORPEY: You guys got any questions?

MR. BEDETTI: This is just an open deck, this is not an enclosed deck?

MS. BRAND: There's only one side that like I said the area that's going to be 18 inches off the ground to protect our daughter from falling off that's the only thing but everything else will be open so it won't really be an eyesore from--

MR. TORPEY: Any drainage problems, water hazards?

MS. BRAND: No, actually they're going to be creating a french drain type of effect underneath the deck to make sure no drainage problems occur.

MR. TORPEY: No right-of-ways or easements there at all?

MS. BRAND: No, none.

MR. TORPEY: Anything else? Good, I'll take a motion.

MR. DITTBRENNER: Mr. Chairman, I would move that we forward the application of Deborah Brand and Michael Musante as it relates to a variance of 16 feet required for a deck proposed at 10 Birchwood Drive.

MR. BEDETTI: I'll second that motion.

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ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

ALICIA_FRANQUI_(09-20)

MR. TORPEY: Request for an area variance for a proposed pool deck that doesn't meet minimum 10 foot setback at rear yard, the variance is for 4 ft. at 51 Harth Drive.

Ms. Alicia Franqui appeared before the board for this proposal.

MR. TORPEY: Okay, go ahead.

MS. FRANQUI: What I'm seeking to do is build a pool deck that will go four feet from the property line as opposed to the approved 10 feet from the property line, it would be adjacent directly abutting the end of a 15 x 30 foot pool.

MR. TORPEY: Is that where the stairs are now?

MS. FRANQUI: Yes, in the photographs, yes, and it would extend to just before where you see the hose hanging on a fence post.

MR. TORPEY: You guys got pictures?

MR. DITTBRENNER: Yes.

MR. TORPEY: You're not going to take down any vegetation, creating any water hazards?

MS. FRANQUI: No.

MR. TORPEY: No easements, no right-of-ways?

MS. FRANQUI: No, there are none.

MR. KRIEGER: Will the deck be consistent in size and nature with other decks in the neighborhood?

MS. FRANQUI: Yes.

MR. KRIEGER: Doesn't have to be identical, just consistent.

MS. FRANQUI: I believe it is consistent, yes.

MR. DITTBRENNER: Do we have any renderings of the proposed deck? I don't see that.

MR. TORPEY: Like a drawing of it?

MR. DITTBRENNER: Yes, how it's going to lay out on the property.

MR. TORPEY: No, she didn't draw that for us.

MS. FRANQUI: My contractor got paid.

MS. JULIAN: Maybe the building department still has it.

MR. BEDETTI: Other than laid out at the edge of the pool, you're looking for what the deck's going to look like?

MR. DITTBRENNER: This shows five feet and the application says that it's proposed six feet.

MR. TORPEY: They don't have nothing here at all, the building department.

MR. DITTBRENNER: If you go to this drawing, it shows five feet from the property line and the application says there's six feet available.

MR. TORPEY: I see what you're saying.

MR. DITTBRENNER: Says five feet.

MR. TORPEY: So how much are you asking for?

MS. FRANQUI: Four feet from the property line, you'll notice that the property line is diagonal.

MR. DITTBRENNER: On this map it shows five feet so we have to make sure the building department clarifies this application, is it a five foot variance or four foot variance?

MR. KRIEGER: Five or six foot variance since she has four.

MR. DITTBRENNER: No, she's saying that requirement is 10 feet, she's saying that they have six feet available and they would require a four foot variance but on the draft it shows there's only five foot available which would require a five foot variance.

MS. FRANQUI: There's four feet available, there's currently four feet, we'd need to go beyond.

MR. DITTBRENNER: That's not what the drawing indicates, we just need to clarify for approval purposes that we're providing the correct variance on this rendering which is part of your application to the building department of 28 of May that there's only five feet available.

MS. FRANQUI: Understood.

MR. TORPEY: Just to help you out.

MR. DITTBRENNER: We, yeah, just want to get it right, if we provide a four foot variance and you need five, you have to come back here. We'll just have the building department clarify and modify the application where appropriate.

MR. BEDETTI: Are we approving four feet?

MR. DITTBRENNER: Not approving four feet.

MR. BEDETTI: No, I'm saying if we had to go to the building department to get that. I have another issue, I'm familiar with this property it's not far from my house and I went to the building department over this issue and apparently her, behind her property is an operating railroad or right now it's dormant but there's probably close to 100 feet between her property line, the center of the railroad another 50 feet on the other side so as far as the neighbor is concerned behind her there is a considerable distance away. And the issue that I brought before the building department on 300-12 in the Town Code which is under the heading of non-residential building and unfortunately the code doesn't describe what a non-residential building is, it doesn't say it needs to be commercial or it's not commercial, says no side or rear yards shall be required where such yard abuts an operating railroad right-of-way.

MR. TORPEY: It doesn't have to meet town requirements, offsets and setbacks.

MR. BEDETTI: So my question to the building department was does this lady really need to even be here because the railroad she does abut the railroad and follows the railroad, goes all along the whole back of that development.

MR. TORPEY: I don't think that, I know that because I had that same problem and Mike's the one who taught me about it, anything abutting a railroad you don't have to meet town setbacks and offsets.

MR. KRIEGER: May not have known it before Frank straightened him out but they should know it now.

MR. BEDETTI: Well, there was some question because of

the fact there is no definition or two definitions for non-residential building certainly is her deck or like a shed is certainly not a building somebody is living in so in my interpretation was it certainly was a non-residential structure that was being put up so therefore that her property would fall in these limits and with that railroad behind there that this lady may not even have to be here.

MR. TORPEY: Wouldn't the town have to call for that?

MR. BEDETTI: The building department was, they were at a loss for a determination and they essentially were saying bring it up at the zoning board meeting and perhaps make the determination whether she falls into this category.

MR. TORPEY: So the five feet or six feet she's asking for is actually that distance is the distance of the rear that's the railroad, it's not another neighbor's yard?

MR. BEDETTI: That's correct, the next nearest neighbor behind her is probably close to 100 feet away.

MR. TORPEY: Is what she's encroaching on is nothing.

MR. BEDETTI: It's the railroad right-of-way.

MR. KRIEGER: Next nearest neighbor is the railroad.

MR. TORPEY: So it's really up to us.

MR. DITTBRENNER: Andy, can we refer it back to the building department?

MR. KRIEGER: There's a practical difficulty here, you don't want to take this applicant and make her into a ping pong ball, now what am I going to do, what am I going to do. At this point, she has a choice, she can

either proceed here and I will further explore that in a second or she can sue the town. Now, I would suggest that from a practical point of view, it would be a lot less trouble and cost a lot less to pursue it here. Now, what you need to do, her application should be and this is by the way for those of you who have any questions, this is the reason for a preliminary hearing, her application should be, and this is somewhat unusual for an area variance, an interpretation and in order for the zoning board to act it has to have a public hearing but yes, it could if it renders an interpretation that she doesn't need a variance then she doesn't need one.

MR. DITTBRENNER: But if we refer it back to the planning board citing the specific code that they should of never declined it and referred it to the zoning board because it falls very specifically into 300.12, shouldn't they just act and approve it?

MR. KRIEGER: The answer to your question is should they, yes, will they, world's full of instances where people don't do what they should do, what they should do is here's your building permit.

MR. TORPEY: Nobody knows and nobody educated them.

MR. KRIEGER: Until a few minutes ago, few days ago.

MR. BEDETTI: I spoke to both offices.

MR. DITTBRENNER: What's the solution?

MR. BEDETTI: I did go to them certainly before today and they wanted me to come before this board and essentially just decide that she really didn't.

MR. KRIEGER: Here's the problem, you can't act without a public hearing, I mean, it's fine for them to say that that's a classic passing the buck type of deal.

What I would suggest that you do is authorize her to have a public hearing for an interpretation and/or an area variance so you got it all covered and in the meantime because all it does is allow her to have the public hearing without having to come back here for a preliminary, doesn't require her to do anything, she can say thank you very much and I decline to do it and never hear from her again, that's fine, that's entirely up to her. What she should do if she's set up for a public hearing is go back to the, before going through all the expense and the advertising and the notices and the application fee and so forth, go back to the building department. Now, what you can do as a board at this point so she has something to go back with is you can have a non-binding resolution, a sort of sense of the board if you will whatever the sense of the board is with respect to her requirements so she has something to take back in her hand.

MR. BEDETTI: Can we make a recommendation to the building department?

MR. KRIEGER: Yeah, that's what I say, a sense of the board, you cannot grant a variance or make a formal interpretation but because those would require a public hearing but you can say well, this is what it appears to us to be so forth and you're right and recommend that the building department re-examine the question.

MR. BEDETTI: I was trying to avoid her having to go through the expense of a public hearing.

MR. KRIEGER: That's why I say if you set her up for a public hearing, she would be best advised before going through that expense to go back to the building department and because the building department is going to want to have her something in her hand, a sense of the board resolution that the statute appears not to require her to apply for a variance and urging the building department to re-examine the application in

light of Section 300 dash whatever it was.

MR. BEDETTI: 300-12. I'll make a motion that we advise the applicant to go back to the building department and that we recommend to the building department that she complies with 300-12 and she may not need to go forward with this application.

MR. KRIEGER: If it does need to go forward, part of your motion that she be authorized to proceed to public hearing if she so chooses so she doesn't have to come back here for another preliminary, is that part of your motion?

MR. BEDETTI: I'll go for that.

MR. TORPEY: I would second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

MS. FRANQUI: There are alternate routes to take, I can go back to the building department?

MR. KRIEGER: Here's the situation that you're in. You're to go back to the building department, tell them that the board recommended in view of the law that they re-look at the application, see if you really need to do that. If they decide yeah, we still think you do then at that point you have a choice, you can either go through the public hearing, you have another choice, you can either go through the public hearing steps which you have been authorized to do or you can bring a lawsuit against the town for that purpose.

MS. FRANQUI: I understand.

MR. TORPEY: You're abutting a railroad, you shouldn't have to meet--

MR. KRIEGER: I can't tell, advise you what's the best thing to do, all I can advise you is the alternatives.

MR. DITTBRENNER: We should document our decisions here this evening in support of the, that the building department should re-evaluate Section 300.12 of the code, provide her that documentation, go back to the building department, make it very clear for them to make a decision how to proceed with this.

MR. KRIEGER: Since it will be sometime before the minutes are prepared, typically would it be your motion to authorize the Zoning Board secretary to write a letter for the applicant to take with her?

MR. DITTBRENNER: Yes, it is.

MR. BEDETTI: We in fact recommend that she does in fact comply with 300-12 it appears based on this information.

MR. KRIEGER: What you can say is it appears based on the information available to the Zoning Board of Appeals at this point that she falls under 300-12 which would not require her to apply for a variance.

MR. BEDETTI: I'm fine with that.

MR. KRIEGER: You can't make a finding that she doesn't, all you can say is it appears based on the information currently available.

PUBLIC HEARINGS:

PATRICIA_LEVIN_(09-12)

MR. TORPEY: First public hearing is Patricia Levin, request for area variance for lot size of two lots at 293 Union Avenue.

Mr. William Hildreth appeared before the board for this proposal.

MR. HILDRETH: My name is Bill Hildreth, I'm a land surveyor that prepared the plan that we're going to look at tonight. The applicant is Patricia Levin and her attorney, Mr. Charles Frankel.

MR. TORPEY: On a normal public hearing, there's usually five, tonight there's only three so it's your choice if you want to table and wait till it's five and take a shot little.

MR. HILDRETH: This is a quorum, correct? Are you going to vote tonight?

MR. KRIEGER: Yes.

MR. HILDRETH: You will vote tonight?

MR. TORPEY: We're just running it by you.

MR. HILDRETH: You understand that, I saw the two vacant seats when we showed up.

MR. BEDETTI: If you get one negative vote--

MR. HILDRETH: We're done.

MR. BEDETTI: So the decision that you proceed is really yours.

MR. TORPEY: I'm in a really good mood.

MS. LEVIN: I say we should.

MR. HILDRETH: Mrs. Levin would like to go forward. For the public hearing we mailed out 60 notices from the list that the town prepared, I got three returns. Is that something you'd be interested in?

MS. JULIAN: Yes, I'll put them in the file.

MR. HILDRETH: Only three came back undeliverable. Okay, little bit of history on the property and the size of it and the variances we need and then I'll turn it over to the attorney to address the variances. This is .95, almost an acre .95 acres on the south side of Union Avenue between Daniker Avenue and Spruce Street. It's currently developed by a single-family home in the western portion of the property and the proposal is to subdivide it into two lots. Lot number 1 with the existing house on it would be .34 acres and then the rest of the lot which is currently vacant would be .52 acres. It's not an exact even split in half for this reason, we wanted to show as much buildable area on the new lot as possible and still maintain a reasonably good yard for the existing house and we have done that new lot line is 10 feet or more away from the driveway, comes off Union Avenue for that house which still has a fairly large back yard. The property that's proposed for development has water, municipal water and sewer available to it so there's no need to extend services. And the utility access and driveway access will be off Spruce Street only, no penetrations out to Union Avenue. The reason we're here before the ZBA is for lot area variance, square footage of the lots. In addition to that, there's a couple of non-conforming, pre-existing variances because of the age of the house and the time that it was built and the size of the lots that were compliant when this house was built. So there's a couple, since we're here, there's a couple

setbacks that need to be, variances that need to be made for those but they are not substantial, the big reason is the square footage of the lot area. And that's before I turn it over if there's any questions about the lot itself or the survey information I would answer them now and then I will let Mr. Frankel talk about the variances.

MR. DITTBRENNER: Setback requests in this application.

MR. HILDRETH: The new lot will be compliant with current setback requirements as far as street setbacks, the only variance we need for the new lot is square footage. The other variances that are listed there that we need are non-conforming variances for this existing house, nothing's changed, they're not being made any worse.

MR. KRIEGER: With respect to the smaller variances that you make reference to cause they didn't appear on the agenda here were they in the public notice?

MR. HILDRETH: They were part of the application, yes, they were shown on the application.

MR. KRIEGER: We got a copy of the notice that was published in the paper.

MS. JULIAN: Yes, this page and this page was put in.

MR. KRIEGER: It has to do with the area is not a problem, it's the other two which were pre-existing, if they're pre-existing, they don't even require variances.

MR. HILDRETH: Then fine. I got this from the planning board.

MR. KRIEGER: Obviously must have been a determination by the building department they'd be theoretically

adversary that variances weren't necessary, those smaller things in the area so that brings us back to the area variance which is proper before the board. What's the lot size required, one acre and these two lots will be?

MR. HILDRETH: One's a little more than half an acre and the other one's a little less.

MR. KRIEGER: Approximately a half acre plus or minus each.

MR. TORPEY: So they're not looking for a variance.

MR. HILDRETH: For lot area we need one.

MR. KRIEGER: They need lot area in order to subdivide according to the statute they couldn't subdivide without the variance.

MR. TORPEY: Variance for the single?

MR. KRIEGER: No, allowing them for the whole lot area allowing them to use a reduced area and make two lots instead of one because now according to the way the code's currently written they only have enough space for one lot, however, that would make it double the size of anything in the neighborhood. Well, if you grant the variance they can subdivide it the way they have indicated.

MR. DITTBRENNER: I have a question. The front yard setback requirements area 45 feet per this drawing lot 1 which is the new to be subdivided parcel indicates a 45 yard setback or 45 foot setback in the front.

MR. HILDRETH: Two front both streets.

MR. DITTBRENNER: Right, so why are we requesting a 2.6 foot?

MR. HILDRETH: That's for lot 1.

MR. FRANKEL: Because of this house.

MR. DITTBRENNER: On this document here showing lot 1 and lot 2 so I look at lot 2 which is pre-existing conditions, yes, we require a 2 foot 6.

MR. HILDRETH: Lot 1 is the pre-existing.

MR. DITTBRENNER: Okay, I see, all right, I follow.

MR. BEDETTI: So is there a variance requirement for lot 2 for a front yard?

MR. FRANKEL: No.

MR. TORPEY: No, that lot's plenty big.

MR. FRANKEL: Because they have two requirements.

MR. HILDRETH: Mr. Frankel's here to address the legal aspects of the variance, I'm just a lowly surveyor, I know how big the lot is.

MR. TORPEY: Any other questions?

MR. DITTBRENNER: No.

MR. TORPEY: I will open this meeting up to the public. Anybody here for this lot change Union Avenue today? All right, I see we have nobody here for this.

MR. FRANKEL: Just one or two things I'd like to add.

MR. TORPEY: How many mailings?

MS. JULIAN: On May 18, 2009, I mailed out 60 addressed envelopes with no written response.

MR. TORPEY: I'm sorry, go ahead.

MR. FRANKEL: That's okay. You'll see from the application that we have addressed I think each of the requirements for a variance. Part of what I wanted to call the board's attention to I brought a copy of the tax map just to show the board the nature of the neighborhood and I'm sure you're all familiar with this neighborhood. The point of showing you that is that while the zoning for this area and neighborhood is one acre lots you could count on one hand or less the number of conforming lots in that neighborhood. The fact is that we added them up and I think the vast majority are between a quarter and a third of an acre, there just simply aren't any 1 or 2 that are, that would conform to one acre lot standard. So the point of that being that allowing this subdivision certainly will not be out of character with the neighborhood, won't overtax any services, it's water and sewer, we won't overtax the road, we're adding one driveway to Spruce Street and while it seems that 50% variance might be considered substantial when you look at it in terms of the neighborhood it really is not out of character with any of the adjoining properties or nearby properties. Just a little bit of history that Bill alluded to and that is my client's mother bought this property or her parents bought this property in two separate deeds, one deed for one of four lots in 1941 and the other three they bought in 1946. This as I say and as Bill mentioned was originally four separate lots and that's why you add this many altogether it's close to an acre, they were each a quarter of an acre. So this property has been in my client's family as I say for 60 plus years. And so that I think addresses the questions of whether or not this was self-created, certainly this has been in their family for a long, long period of time. I don't believe there will be any--

MR. KRIEGER: Just to advise the board as far as self-created is concerned that's not a prohibition even if you were to find it's self-created, you can nevertheless grant it, it doesn't knock him out of the box all by itself.

MR. FRANKEL: Right.

MR. BEDETTI: Are there any easements or any encumbrances on the property?

MR. HILDRETH: None whatsoever.

MR. BEDETTI: I have no other questions.

MR. TORPEY: Cutting down any vegetation or creating water hazards?

MR. HILDRETH: Only in terms of what the new single family home construction would generate but as far as proposing anything to get the subdivision done, no.

MR. FRANKEL: If you're familiar with this property right now it's pretty much a lawn, there's a lawn and there's a big flag pole.

MR. TORPEY: Any other questions?

MR. DITTBRENNER: I'd just like to know how your one neighbor feels about it behind you?

MR. TORPEY: There's no comments.

MR. DITTBRENNER: I'd be happy to make a motion that we approve the variance as requested on gross basis for minimum lot area for lot 1 and 2, net basis minimum lot area lot 1 and 2, required front yard setback as it relates to lot 1 of two foot six inch and 22 feet 7 inches and as relates to the minimum livable area space for lot 1, 112 square feet.

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MR. BEDETTI: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

STEVEN_DWEK_(09-15)

MR. TORPEY: Request for sign variance for proposed 12 ft. x 26 ft. facade sign which exceeds the permitted 2.5 ft. x 10 ft. A variance of 9.5 ft. height and 16 ft. width is required at 565 Union Avenue.

Mr. Steven Dwek appeared before the board for this proposal.

MR. TORPEY: New Windsor Fitness Center property.

MR. DWEK: I did have some homework, you wanted to know how many feet from the road to the building.

MR. TORPEY: Yes.

MR. DWEK: It's 137.

MR. TORPEY: We're only talking about a sign on the top of the building?

MR. DWEK: On the face.

MR. TORPEY: Do you mind that there's only three of us here tonight just for you, you could table it to make sure all of us are here?

MR. DWEK: That's okay.

MR. KRIEGER: Understand that what that means all three votes have to be in your favor, one vote against you, you lose. If there were a full board of five members here it would still only require three votes but today you have to get everybody.

MR. DWEK: So I need three out of five?

MR. TORPEY: You need three out of three.

MR. KRIEGER: Three out of three tonight.

MR. BEDETTI: One negative vote.

MR. DWEK: I see five people.

MR. KRIEGER: Only three board members.

MR. DWEK: I'll take my chances. So you needed to know the 137, actually this side is a little more than that. Just to refresh your memories, just to replace what is there, used to be the YWCA sign, just simply going to replace that area, that same area.

MR. TORPEY: Same square footage?

MR. DWEK: Yes, just a big face because it's so far from the street.

MR. TORPEY: The existing sign that was there was taken down?

MR. DWEK: Yes.

MR. TORPEY: You don't have the picture with the original sign there like the square footage of the original?

MR. DWEK: No, but just was large letters, YWCA, not overwhelming, it just fit the size of the face like you didn't go by and say whoa, that's a giant sign.

MR. TORPEY: You're going to take the same rectangular spot?

MR. DWEK: Pretty much was covering that face giant YWCA.

MR. TORPEY: It was taking up that whole face?

MR. DWEK: Pretty much, it was centered nicely but took up the whole space.

MR. TORPEY: Are you going to be a little smaller than what it originally was or exactly the same?

MR. DWEK: Pretty much the same so it works well so we're just going to have these graphics to show what was in there.

MR. TORPEY: Okay, questions?

MR. BEDETTI: Actually the sign's going to look like this?

MR. DWEK: Yes.

MR. DITTBRENNER: Any illumination on this?

MR. DWEK: There's an existing light that shines on it, it's a little funny now cause there's nothing there.

MR. KRIEGER: So yes, there will be exterior illumination?

MR. DWEK: Correct.

MR. KRIEGER: Not flashing, not neon?

MR. DWEK: Not neon, not flashing.

MR. KRIEGER: That's directed toward the building so it won't interfere with the safe operation of motor vehicles?

MR. DWEK: Correct.

MR. DITTBRENNER: Are these actual items that will be applied to the facade or going to be mounted on the facade raised symbols?

MR. DWEK: Yes, I think they're going to cut it out of wood and just stick it on, I think it's probably, I guess to manufacture it, it's probably easier than just to stand up there.

MR. DITTBRENNER: Not going to be a big extruded material sign?

MR. DWEK: No.

MR. TORPEY: Who's doing the sign, Leif?

MR. DWEK: Yes.

MR. TORPEY: He'll cut them out of plastic or wood.

MR. BEDETTI: This is not a printed sign?

MR. TORPEY: No, actual sign's from plywood.

MR. DWEK: Plywood, yeah.

MR. TORPEY: Any other questions? I'd like to open it up to the public, as we see, there's nobody here tonight for the public hearing. How many mailings did we have?

MS. JULIAN: Forty, on May 19, I mailed out 40 with no response.

MR. DWEK: One came back. You didn't ask if there's any water hazards.

MR. TORPEY: I was going to. There's no easements?

MR. DWEK: There's no easements, there's no water hazards.

MR. DITTBRENNER: Any vegetation removed?

MR. DWEK: There's no vegetation removed.

MR. BEDETTI: I'll make a motion that we grant the sign variance for proposed 12 x 26 facade sign which exceeds the permitted 2 1/2 x 10 feet variance of 9 1/2 feet by 16 feet for 565 Union Avenue as requested by Steven Dwek.

MR. DITTBRENNER: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

EDWARD_AND_MARIE_COLLARD_(09-16)

MR. TORPEY: Request for an interpretation for a single family dwelling with two kitchens at 112 Bethlehem Road.

Mr. and Mrs. Edward Collard appeared before the board for this proposal.

MR. COLLARD: My name is Ed Collard, 112 Bethlehem Road, New Windsor, New York and my wife, Marie.

MR. TORPEY: Request for interpretation of single family dwelling with two kitchens?

MR. COLLARD: Yes.

MR. TORPEY: At 112 Bethlehem Road.

MR. COLLARD: Yes.

MR. TORPEY: I remember this, this is when you started living in the garage?

MR. COLLARD: Not quite.

MR. TORPEY: Any questions?

MR. BEDETTI: Does this have one single entrance? I'm trying to refresh my memory from when you were here the first time, is there a single entrance, electric supplied just by one meter?

MR. COLLARD: One meter and the only gas that I have in there is bottled gas, there's no gas service coming to the house but one electrical service.

MR. BEDETTI: Is this house on the market?

MR. COLLARD: Well, it's not right now but it's going

to be.

MR. TORPEY: Only one entrance that's through the garage door, right?

MR. COLLARD: Yes, to the kitchen, the garage part, yeah, the garage and also I can come in from the other room.

MR. TORPEY: But no outside entrance?

MR. COLLARD: No outside entrance, no.

MR. DITTBRENNER: Substantial vegetation?

MR. TORPEY: I was going to see if there's any flooding or water hazards?

MR. KRIEGER: I have a question for the applicant. It's a single family house and it always was a single family house and will always be a single family house?

MR. COLLARD: Always will be.

MR. KRIEGER: When you sell it, you're going to sell it as a single family house?

MR. COLLARD: Single family, correct.

MR. KRIEGER: That was my question.

MR. TORPEY: What's this one electric meter, that's not the main service in the house?

MR. COLLARD: I don't know which one you're talking about.

MR. TORPEY: You have all these pictures.

MR. COLLARD: That's the sub feed, that's not the main,

there's only one.

MR. TORPEY: Okay. Anything else guys?

MR. BEDETTI: I remember now.

MR. TORPEY: Anybody here for this hearing? I guess it's closed and how many mailings did we have?

MS. JULIAN: On May 12, I mailed out 24 addressed envelopes with no response.

MR. TORPEY: Now it's closed.

MR. DITTBRENNER: I would make a motion that we grant for Edward and Marie Collard at 112 Bethlehem Road, New Windsor, approval of the request for an interpretation at 112 Bethlehem Road as a single family home with two kitchens to remain as a single-family home with two kitchens and to never be marketed as anything but a single family home.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

ANNMARIE_THOMPSON_(09-18)

MR. TORPEY: Request for a variance on a corner lot for a proposed 6 ft. fence installed between the principal building and the street at 8 Saint Anne Drive.

Ms. Annmarie Thompson appeared before the board for this proposal.

MR. TORPEY: Please state your name for the record.

MS. THOMPSON: Annmarie Thompson, 8 Saint Anne Drive, New Windsor, New York.

MR. TORPEY: What does she want?

MS. THOMPSON: A fence, a 6 foot white vinyl instead of the one that was there.

MR. TORPEY: How high is this fence?

MS. THOMPSON: It's six.

MR. TORPEY: So you're going to a six, just a nicer fence?

MS. THOMPSON: Yes, and privacy, yeah, they put a strip mall across the street, well, medical building, whatever it is.

MR. TORPEY: Not going to be blocking any traffic? You're on a corner.

MS. THOMPSON: Yes, corner of Oakwood and Saint Anne, no, because of the hill you don't see it at all, I drove around and around, you can't see it.

MR. DITTBRENNER: You're just taking out the existing fence and putting up a nice clean vinyl white fence?

MS. THOMPSON: Yes.

MR. TORPEY: Just you're going from 4 to 6?

MS. THOMPSON: Well, actually 5 and 1 but it will be 6 foot when done.

MR. KRIEGER: Because she's technically speaking has two front yards, the statute says you can only have allowable 4 foot fence in your front yard and that is the, unless the zoning board grants a variance to allow her to have the same 6 foot that would be allowed in any back yard or the side yard.

MR. TORPEY: Cutting down any vegetation to put the 6 foot up?

MS. THOMPSON: No, no easements, no water.

MR. TORPEY: No water hazards?

MS. THOMPSON: No.

MR. TORPEY: Water goes through this fence.

MS. THOMPSON: Yes, no, I have drainage, I just paid thousands of dollars for drainage, there won't be no water problems.

MR. BEDETTI: I've driven passed there, I live in the development and there's a clear view, the new fence will not obstruct vision on either street up and down both of those roads but the fence appears to be appropriate from the locations.

MR. TORPEY: Well, it's far enough from the road.

MR. BEDETTI: It sets up, does not obstruct any view from coming from either road.

MR. TORPEY: Should I open this up to the public?
Seeing there's nobody here, how many mailings?

MS. JULIAN: On June 10, 2009, I mailed out 62 with no
response.

MR. DITTBRENNER: I move that we approve the
application of Annmarie Thompson at 8 Saint Anne Drive,
New Windsor for a variance related to installation of a
proposed six foot fence on a property that has two
front yards.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

APPROVAL_OF_MINUTES_DATED_MAY_11,_2009

MR. TORPEY: Approval of the minutes dated May 11, 2009
as written.

MR. DITTBRENNER: So moved.

MR. BEDETTI: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

MR. TORPEY: Motion to adjourn?

MR. BEDETTI: So moved.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. DITTBRENNER	AYE
MR. BEDETTI	AYE
MR. TORPEY	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

